

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MMCA GROUP, LTD.,

No. C-06-7067 MMC (EMC)

Plaintiff,

v.

HEWLETT-PACKARD COMPANY, *et al.*,

**ORDER GRANTING PLAINTIFF'S EX
PARTE APPLICATION FOR ORDER
SHORTENING TIME**

Defendants.

(Docket No. 268)

Plaintiff MMCA Group, Ltd. has filed a motion to compel, *see* Docket No. 267, which it asks to be heard on shortened time. More specifically, MMCA requests that its motion to compel, which seeks production of documents from Defendant Business Risks International, Limited ("BRI"), be heard prior to the date that Judge Chesney hears BRI's motion to dismiss. The motion to dismiss is currently set for hearing on July 18, 2008.

BRI opposes the request for shortened time for several reasons -- *e.g.*, because MMCA failed to meet and confer regarding shortened time, failed to identify any substantial harm or prejudice that would occur in the absence of shortened time, and failed to meet and confer regarding the underlying discovery dispute. BRI also contends that shortening time is unnecessary because, even if this Court were to grant MMCA's motion to compel, documents would not be available to MMCA before its opposition to BRI's motion to dismiss is due (in fact, the opposition has now been filed) "and therefore could not be considered by Judge Chesney in ruling on the motion to dismiss." Opp'n at 9.

1 Having considered the parties' briefs and accompanying submissions, as well as all other
2 evidence of record, the Court hereby **GRANTS** MMCA's motion to shorten time. The Court does
3 not condone what appears to be a failure to meet and confer, both with respect to the issue of
4 shortened time and the underlying discovery dispute. That being said, as a practical matter, it makes
5 sense for the discovery motion to be heard on shortened time when it is clear that the parties are at
6 an impasse with respect to the discovery dispute and when the motion to dismiss shall be heard by
7 Judge Chesney, at least as of this date, on July 18, 2008.

8 MMCA's motion to compel shall be heard on July 9, 2008, at 10:30 a.m. Any opposition
9 shall be filed by 12:00 p.m. on July 7, 2008. There shall be no reply brief.

10 This order disposes of Docket No. 268.

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12 IT IS SO ORDERED.

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14 Dated: June 30, 2008



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16 EDWARD M. CHEN
United States Magistrate Judge